

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Resubmittal of Small Scale Land Use Amendment from Office to Planned Development; rezoning from OP (Office-Professional) to PUD (Planned Unit Development); and rezoning from PUD to R-1A. (Thomas Daly, applicant).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West ^{MW} **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date 02/05/03 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for a Small Scale Land Use Amendment from Planned Development (PD) to Low Density Residential (LDR) and Office to Planned Development; and Rezone from Planned Unit Development (PUD) to R-1A Single Family Dwelling district, and from Professional Office (OP) to PUD, to amend a previous scrivener's error; comprising approximately 10 acres and located on the west side of Wekiva Springs Road, ½ mile north of SR 434, based on staff findings (Thomas Daly, applicant); or
2. Recommend DENIAL of the request for a Small Scale Land Use Amendment from Planned Development (PD) to Low Density Residential (LDR) and Office to Planned Development; and Rezone from Planned Unit Development (PUD) to R-1A Single Family Dwelling district, and from Professional Office (OP) to PUD, to amend a previous scrivener's error; comprising approximately 10 acres and located on the west side of Wekiva Springs Road, ½ mile north of SR 434, (Thomas Daly, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 3 – Comm. Van Der Weide)

(Jeff Hopper, Senior Planner)

BACKGROUND:

On September 24, 2002, the Board of County Commissioners approved the applicant's request for a Small Scale Land Use

Reviewed by:

Co Atty: _____

DFS: _____

OTHER: _____

DCM: _____

CM: _____

File No. Z2002-018

Amendment from Office to Planned Development and rezoning from OP to PUD on the subject property. The approved Preliminary Master Plan shows 74 townhouse units on a development site slightly less than 10 acres in size. (As an alternative development option, the Development Order allows the property owner to choose to revert to the office use permitted under the previous OP zoning.)

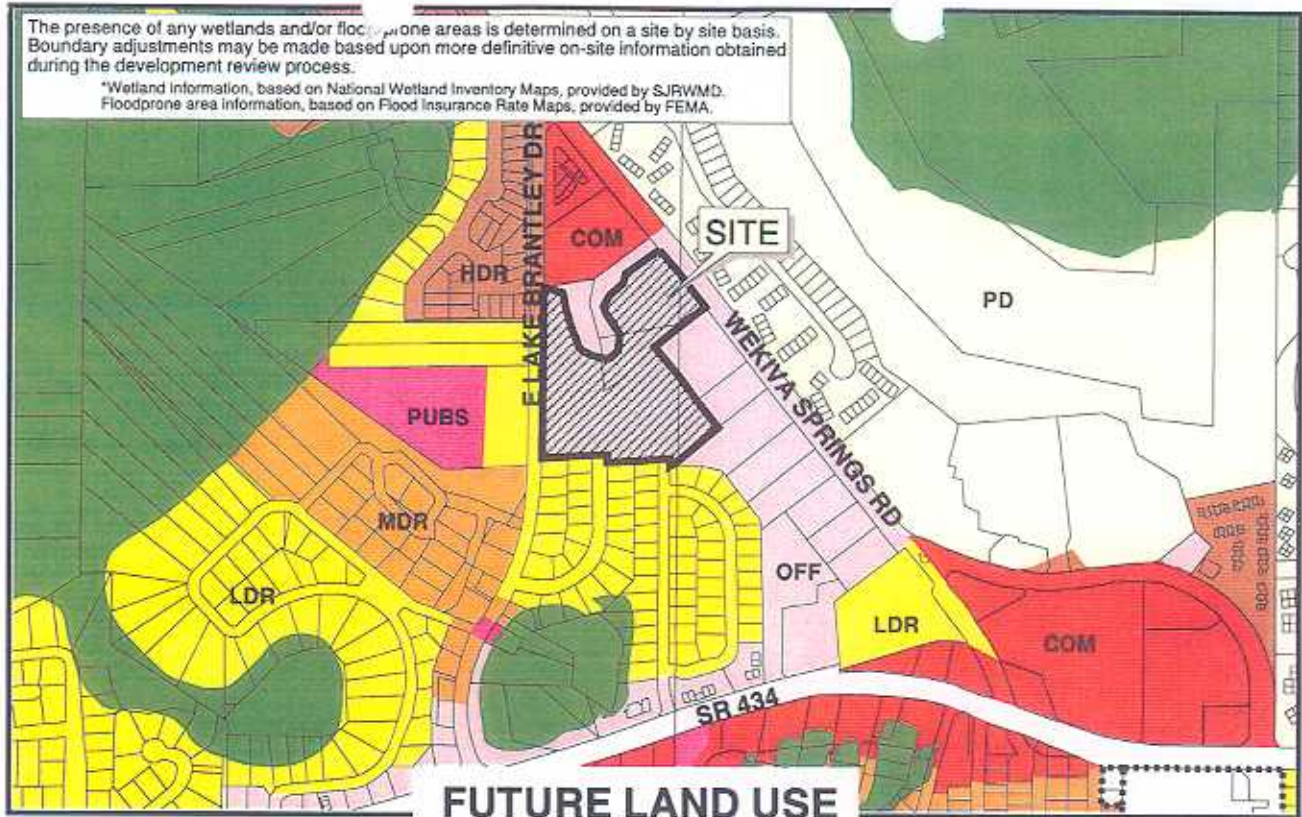
Subsequent to that approval, the applicant discovered several discrepancies in the project legal description. As a result, the area of rezoning and change in future land use did not precisely match the intended project boundaries. The previous application inadvertently included a portion of the Wekiva Springs Road right-of-way 4,900 square feet in size, and approximately 1,650 square feet of a neighboring residential lot on Lake Gene Drive. Also, that submission mistakenly excluded a 6,500 square-foot piece of the property owner's land fronting on Wekiva Springs Road. Taken as a whole, the changes proposed at this time represent a net reduction in site area of 39 square feet.

STAFF RECOMMENDATIONS

As the request does not involve changes in development type, intensity or other significant aspects of the project, staff recommends APPROVAL per the attached Development Order which reflects all the conditions of the original approval on 9-24-02.

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.

*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
Flood-prone area information, based on Flood Insurance Rate Maps, provided by FEMA.

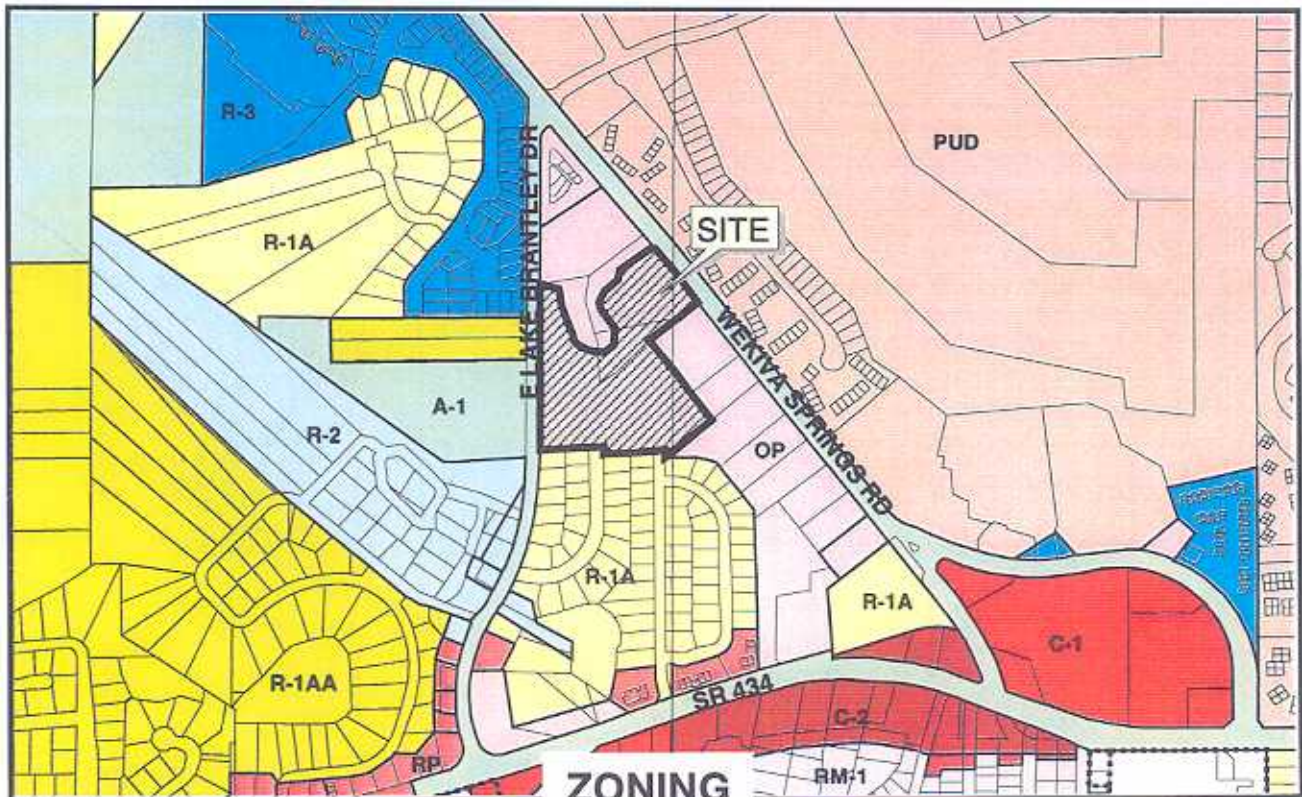


FUTURE LAND USE

Site Municipality COM LDR PD MDR HDR PUBS OFF

Applicant: Thomas Daly
Physical STR: part of 04-21-29-300-003A, 003B, & 003D-0000
Gross Acres: 9.9 BCC District: 3
Existing Use: Vacant
Special Notes:

	Amend/ Rezone#	From	To
FLU	08-02SS.2	OFF	PD
Zoning	Z2002-018	OP	PUD



ZONING

A-1 C-1 C-2 R-1A R-1AA R-2 R-3 RP RM-1 PUD
OP

filename: /plan/cpcr02/amend/z2002-018.apr/z2002-018staffcolor 07/22/02



Amendment No. 08-02SS.2

From: OFF To: PD

Rezone No. Z2002-018

From: OP To: PUD

Subject Property

Parcelbase

N



February 1999 Color Aerials

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On February 25, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: MAX F. MORRIS

Project Name: EAST LAKE BRANTLEY TOWNHOMES

Requested Development Approval: Small Scale Land Use Amendment from Planned Development (PD) to Low Density Residential (LDR) and Office to Planned Development; and Rezone from Planned Unit Development (PUD) to R-1A Single Family Dwelling district, and from Professional Office (OP) to PUD; to amend a previous scrivener's error

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

Option A: Townhouses

1. All townhouse units will be located on individual platted lots.
2. The development will not be designed or marketed as student housing.
3. Balconies shall be prohibited on units closest to the south property line. These units shall be specified on the Final Master Plan.
4. Building appearance shall be similar to designs presented at the public hearing, as shown in Exhibit B.
5. Required setbacks and buffers along the south property line shall be as follows:
 - a. 30 feet for 1-story buildings
 - b. 50 feet for 2-story buildings
 - c. 15-foot landscape buffer with 4 canopy and 5 understory trees per 100'
6. A 6-foot brick or masonry wall shall be constructed and maintained along the south property line.
7. Landscape buffers a minimum of 25 feet in width shall be provided along East Lake Brantley Drive and Wekiva Springs Road. A minimum of 4 canopy trees per 100 feet shall be planted in said buffers.
8. Front walls of townhouse units shall be staggered.
9. Dumpsters and mechanical units shall be located and/or screened so as not to be visible from Wekiva Springs Road, East Lake Brantley Drive or Golfview Estates to the south.
10. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
11. All landscape buffers and common areas within the residential portion of the development shall be maintained by a homeowners association.
12. No accessory buildings shall be allowed on individual townhouse lots.
13. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
14. Outdoor lighting shall be cutoff/shoebox style fixtures a maximum of 16 feet in height.

15. The project street lighting adjacent to the south property boundary will be limited to decorative lighting affixed to the fronts of the units.
16. Building height shall be limited to 35 feet. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
17. Right- and left-turn lanes shall be provided for access from Wekiva Springs Road.

Option B: Office Uses:

Any uses permitted in the OP (Office) zoning district, subject to development standards of said district.

Option C: Combination

Options A and B above may be combined only upon approval by the Board of County Commissioners of a Final Master Plan indicating such combination.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

FILE # Z2002-112

DEVELOPMENT ORDER # 2-22000008

Done and Ordered on the date first written above.

By: _____

Daryl G. McLain
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Max F. Morris, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

_____ By: _____

Print Name

Max F. Morris

Property Owner

Witness

Print Name

STATE OF FLORIDA**COUNTY OF SEMINOLE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MAX F. MORRIS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION (CENTEX PARCEL)

FROM THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE N 89°48'34" W A DISTANCE OF 586.40 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE N 00°02'34" E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 28.06 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 1, BLOCK "A", OF GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, ON PAGE 20, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. FOR A POINT OF BEGINNING. RUN THENCE N 00°02'34" E ALONG THE EAST RIGHT OF WAY LINE OF SAID EAST LAKE BRANTLEY DRIVE A DISTANCE OF 710.19 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN S75°52'46"E, 86.55 FEET; THENCE S10°16'10"E, 74.95 FEET; THENCE S18°40'50"E, 84.62 FEET; THENCE S22°48'22"E, 53.73 FEET; THENCE S13°41'19"E, 33.40 FEET; THENCE S51°21'22"E, 26.16 FEET; THENCE S61°53'24"E, 43.37 FEET; THENCE S75°28'56"E, 41.94 FEET; THENCE S85°26'07"E, 36.12 FEET; THENCE N49°12'31"E, 51.35 FEET; THENCE N06°08'27"E, 74.23 FEET; THENCE N34°25'43"W, 108.07 FEET; THENCE N17°40'03"W, 31.29 FEET; THENCE N26°42'19"E, 54.25 FEET; THENCE N48°21'05"E, 81.70 FEET; THENCE N03°30'52"W, 83.80 FEET; THENCE N54°37'37"E, 138.04 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE WEKIVA SPRINGS ROAD, THENCE S 39°11'05" E ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WEKIVA SPRINGS ROAD A DISTANCE OF 381.29 FEET; THENCE S50°48'55"W DEPARTING SAID WESTERLY RIGHT OF WAY LINE, 285.00 FEET; THENCE S39°12'44"E A DISTANCE OF 450.00 FEET THENCE S50°46'04"W A DISTANCE OF 236.13 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF LOT 1, BLOCK "D" OF SAID GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I, THENCE RUN ALONG THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING COURSES AND DISTANCES: THENCE N88°54'59"W A DISTANCE OF 23.76 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK "D", THENCE N01°05'01"E A DISTANCE OF 41.00 FEET TO A CONCRETE MONUMENT ON THE EAST LINE OF BRIARCLIFF DRIVE; THENCE N88°54'51"W A DISTANCE OF 159.99 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK "B"; THENCE N88°54'51"W A DISTANCE OF 110.30 FEET MORE OR LESS TO A POINT ON THE EAST RIGHT OF WAY LINE OF LAKE GENE DRIVE; THENCE N01°04'19"E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 28.00 FEET TO A POINT ON THE NORTH LINE BOUNDARY LINE OF SAID PLAT OF MEREDITH MANOR UNIT 1; THENCE N88°55'41"W A DISTANCE OF 176.05 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK "A"; THENCE N89°56'11"W A DISTANCE OF 110.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.990 ACRES, MORE OR LESS.

EXHIBIT B

(building appearance as presented at Public Hearing)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM OP (OFFICE-PROFESSIONAL) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "East Lake Brantley PUD Resubmittal Staff Report."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONING.

The zoning classification assigned to the following described property is changed from OP (Office-Professional) to PUD (Planned Unit Development):

Legal Description Attached as Exhibit A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or

applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of recording of Development Order #2-22000008 in the official land records of Seminole County.

ENACTED this 25th day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

FROM THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE N 89°48'34" W A DISTANCE OF 586.40 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE N 00°02'34" E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 28.06 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 1, BLOCK "A", OF GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, ON PAGE 20, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. FOR A POINT OF BEGINNING. RUN THENCE N 00°02'34" E ALONG THE EAST RIGHT OF WAY LINE OF SAID EAST LAKE BRANTLEY DRIVE A DISTANCE OF 710.19 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN S75°52'46"E, 86.55 FEET; THENCE S10°16'10"E, 74.95 FEET; THENCE S18°40'50"E, 84.62 FEET; THENCE S22°48'22"E, 53.73 FEET; THENCE S13°41'19"E, 33.40 FEET; THENCE S51°21'22"E, 26.16 FEET; THENCE S61°53'24"E, 43.37 FEET; THENCE S75°28'56"E, 41.94 FEET; THENCE S85°26'07"E, 36.12 FEET; THENCE N49°12'31"E, 51.35 FEET; THENCE N06°08'27"E, 74.23 FEET; THENCE N34°25'43"W, 108.07 FEET; THENCE N17°40'03"W, 31.29 FEET; THENCE N26°42'19"E, 54.25 FEET; THENCE N48°21'05"E, 81.70 FEET; THENCE N03°30'52"W, 83.80 FEET; THENCE N54°37'37"E, 138.04 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE WEKIVA SPRINGS ROAD, THENCE S 39°11'05" E ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WEKIVA SPRINGS ROAD A DISTANCE OF 381.29 FEET; THENCE S50°48'55"W DEPARTING SAID WESTERLY RIGHT OF WAY LINE, 285.00 FEET; THENCE S39°12'44"E A DISTANCE OF 450.00 FEET THENCE S50°46'04"W A DISTANCE OF 236.13 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF LOT 1, BLOCK "D" OF SAID GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I, THENCE RUN ALONG THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING COURSES AND DISTANCES: THENCE N88°54'59"W A DISTANCE OF 23.76 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK "D", THENCE N01°05'01"E A DISTANCE OF 41.00 FEET TO A CONCRETE MONUMENT ON THE EAST LINE OF BRIARCLIFF DRIVE; THENCE N88°54'51"W A DISTANCE OF 159.99 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK "B"; THENCE N88°54'51"W A DISTANCE OF 110.30 FEET MORE OR LESS TO A POINT ON THE EAST RIGHT OF WAY LINE OF LAKE GENE DRIVE; THENCE N01°04'19"E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 28.00 FEET TO A POINT ON THE NORTH LINE BOUNDARY LINE OF SAID PLAT OF MEREDITH MANOR UNIT 1; THENCE N88°55'41"W A DISTANCE OF 176.05 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK "A"; THENCE N89°56'11"W A DISTANCE OF 110.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.990 ACRES, MORE OR LESS.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM PUD (PLANNED UNIT DEVELOPMENT) TO R-1A (SINGLE FAMILY DWELLING DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled titled "East Lake Brantley PUD Resubmittal Staff Report."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONING.

The zoning classification assigned to the following described property is changed from PUD (Planned Unit Development) to R-1A (Single Family Dwelling District):

Legal Description Attached as Exhibit A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or

applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of recording of Development Order #2-22000008 in the official land records of Seminole County.

ENACTED this 25th day of February 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

FROM THE EAST QUARTER CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN N89°48'34"W, 189.63 FEET; THENCE S01°05'09"W, 4.12 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK B, GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 20 IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE RUN S01°05'09"W ALONG THE WEST LINE OF SAID LOT 13 A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF LOT 12 OF SAID BLOCK B; THENCE N88°54'51"W, ALONG THE NORTH LINE OF SAID LOT 12, BLOCK B, A DISTANCE OF 110.30 FEET MORE OR LESS TO THE NORTHWEST CORNER OF SAID LOT 12, BLOCK B, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF LAKE GENE DRIVE; THENCE N01°04'19"E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 15.00 FEET; THENCE S88°54'51"E, 110.30 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM OFFICE TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on February 5, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on February 25, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "East Lake Brantley PUD Resubmittal Staff Report".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND
USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS APPENDIX "A"

<u>Amendment Number</u>	<u>Amendment</u>
08-02.SS.02	Amendment from Office to Planned Development

- (b) The associated rezoning request was completed by means of Ordinance Number 2002-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

- (b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

- (a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.
- (b) This Ordinance shall take effect upon:
- (1) Filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of

ORDINANCE 2002-

SEMINOLE COUNTY, FLORIDA

Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners; and,

- (2) The recording date of Development Order #2-22000008 in the Official Land Records of Seminole County.

ENACTED this 25th day of February,
2003.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

EXHIBIT A

LEGAL DESCRIPTION (CENTEX PARCEL)

FROM THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE N 89°48'34" W A DISTANCE OF 586.40 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE N 00°02'34" E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 28.06 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 1, BLOCK "A", OF GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, ON PAGE 20, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. FOR A POINT OF BEGINNING. RUN THENCE N 00°02'34" E ALONG THE EAST RIGHT OF WAY LINE OF SAID EAST LAKE BRANTLEY DRIVE A DISTANCE OF 710.19 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN S75°52'46"E, 86.55 FEET; THENCE S10°16'10"E, 74.95 FEET; THENCE S18°40'50"E, 84.62 FEET; THENCE S22°48'22"E, 53.73 FEET; THENCE S13°41'19"E, 33.40 FEET; THENCE S51°21'22"E, 26.16 FEET; THENCE S61°53'24"E, 43.37 FEET; THENCE S75°28'56"E, 41.94 FEET; THENCE S85°26'07"E, 36.12 FEET; THENCE N49°12'31"E, 51.35 FEET; THENCE N06°08'27"E, 74.23 FEET; THENCE N34°25'43"W, 108.07 FEET; THENCE N17°40'03"W, 31.29 FEET; THENCE N26°42'19"E, 54.25 FEET; THENCE N48°21'05"E, 81.70 FEET; THENCE N03°30'52"W, 83.80 FEET; THENCE N54°37'37"E, 138.04 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE WEKIVA SPRINGS ROAD, THENCE S 39°11'05" E ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WEKIVA SPRINGS ROAD A DISTANCE OF 381.29 FEET; THENCE S50°48'55"W DEPARTING SAID WESTERLY RIGHT OF WAY LINE, 285.00 FEET; THENCE S39°12'44"E A DISTANCE OF 450.00 FEET THENCE S50°46'04"W A DISTANCE OF 236.13 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF LOT 1, BLOCK "D" OF SAID GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I, THENCE RUN ALONG THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING COURSES AND DISTANCES: THENCE N88°54'59"W A DISTANCE OF 23.76 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK "D", THENCE N01°05'01"E A DISTANCE OF 41.00 FEET TO A CONCRETE MONUMENT ON THE EAST LINE OF BRIARCLIFF DRIVE; THENCE N88°54'51"W A DISTANCE OF 159.99 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK "B"; THENCE N88°54'51"W A DISTANCE OF 110.30 FEET MORE OR LESS TO A POINT ON THE EAST RIGHT OF WAY LINE OF LAKE GENE DRIVE; THENCE N01°04'19"E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 28.00 FEET TO A POINT ON THE NORTH LINE BOUNDARY LINE OF SAID PLAT OF MEREDITH MANOR UNIT 1; THENCE N88°55'41"W A DISTANCE OF 176.05 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK "A"; THENCE N89°56'11"W A DISTANCE OF 110.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.990 ACRES, MORE OR LESS.

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM PLANNED DEVELOPMENT TO LOW DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

- **WHEREAS**, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on February 5, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on February 25, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "East Lake Brantley PUD Resubmittal Staff Report"..

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (c) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (d) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND
USE DESIGNATION:

- (b) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS APPENDIX "A"

<u>Amendment Number</u>	<u>Amendment</u>
08-02.SS.02	Amendment from Planned Development to Low Density Residential

- (c) The associated rezoning request was completed by means of Ordinance Number 2002-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (c) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(d) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(c) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(d) This Ordinance shall take effect upon:

- (3) Filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of

ORDINANCE 2002-

SEMINOLE COUNTY, FLORIDA

Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners; and,

- (4) The recording date of Development Order #2-22000008 in the Official Land Records of Seminole County.

ENACTED this 25th day of February,
2003.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

EXHIBIT A

FROM THE EAST QUARTER CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN N89°48'34"W, 189.63 FEET; THENCE S01°05'09"W, 4.12 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK B, GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 20 IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE RUN S01°05'09"W ALONG THE WEST LINE OF SAID LOT 13 A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF LOT 12 OF SAID BLOCK B; THENCE N88°54'51"W, ALONG THE NORTH LINE OF SAID LOT 12, BLOCK B, A DISTANCE OF 110.30 FEET MORE OR LESS TO THE NORTHWEST CORNER OF SAID LOT 12, BLOCK B, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF LAKE GENE DRIVE; THENCE N01°04'19"E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 15.00 FEET; THENCE S88°54'51"E, 110.30 FEET MORE OR LESS TO THE POINT OF BEGINNING.